

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA]	
]	
v.]	Criminal No. 05-CR-30042-MLW
]	
CESAR CRUZ and]	
RICARDO DIAZ]	

GOVERNMENT’S ASSENTED-TO MOTION TO CONTINUE TRIAL DATE

The United States, through undersigned counsel, hereby moves to continue the trial date currently set in this case, which is September 5, 2006. In support of this motion the government states the following:

1. Trial was originally set for May 1, 2006. At the final pretrial conference on April 26, 2006, however, the Court continued the trial date in light of the number of unresolved issues and the Court’s schedule for the coming weeks.
2. The Court set a new trial date of September 5, 2006. At that time counsel for the government noted that September 5 was the first day of kindergarten for his oldest child and suggested setting a different date. The Court kept the September 5 date, but was not unmindful of counsel’s concerns, saying that counsel should “ask [the Court] again” at a later date.
3. The government also recently learned that it’s cooperating witness is already scheduled to testify at another trial on September 5, 2006, creating a conflict with this case. The cooperating witness is indispensable to the government’s case.
4. Counsel for the defendants assent to this motion.

WHEREFORE, the United States respectfully requests that the September 5 trial date be continued two weeks, to September 25, 2006, and that the Court enter an accompanying order excluding the additional time.

Respectfully submitted,

Michael J. Sullivan
United States Attorney

By: /s/ Andrew E. Lelling
Andrew E. Lelling
Sharron A. Kearney
Assistant U.S. Attorneys

Date: May 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed this date through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on May 16, 2006.

/s/ Andrew E. Lelling
Andrew E. Lelling